

REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed March 14, 2007, in which the following actions were taken:

- (1) Claims 1-3 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,833,169 to Kasperchik et al. ("Kasperchik");
- (2) Claims 13 and 23-31 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,814,437 to Wexler ("Wexler") in view of Kasperchik;
- (3) Claims 4-12 and 14-22 were objected to as being dependent upon a rejected base claim, but allowable if rewritten in independent form.

By the present amendment, claim 1 has been amended. No claims have been added.

The indication of allowable subject matter in claims 4-12 and 14-22, if rewritten in independent form, is acknowledged with appreciation.

Claim Rejections - 35 U.S.C. § 102

Claims 1-3 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kasperchik. In order to most succinctly explain why the claims presented herein are allowable, Applicant will direct the following remarks primarily to the currently amended independent claim 1, with the understanding that once an independent claim is allowable, all claims depending therefrom are allowable. By the present amendment, claim 1 has been amended to incorporate the limitations of claim 12, which describes subject matter deemed allowable by the Examiner. Claim 1 now provides a media sheet, comprising (a) a media substrate; (b) an ink receiving layer comprising hollow particulates applied as a coating to at least one surface of the substrate, and (c) a UV protection layer applied as a coating to the ink receiving layer, said UV protection layer including UV absorbing latex particulates that are from 0.05 μm to 1 μm in size, and have a glass transition temperature (T_g) from 50°C to 120°C, and where the UV protection layer is formulated to allow an ink to at least partially pass therethrough and become deposited on the ink receiving layer.

The Kasperchik reference fails to disclose a UV protection layer comprising latex particulates having a size range and T_g as required by claim 1. As such, Kasperchik does not

anticipate claim 1, because it fails to disclose every element of that claim. Furthermore, claims 2 and 3, because they depend from claim 1, also are not anticipated by Kasperchik. Applicant therefore respectfully requests that this rejection be withdrawn and these claims passed to issue.

Additionally, it is noted that new claims 32-38 are added, which incorporate allowable subject matter into independent form. Allowance of these claims is also respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 13 and 23-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wexler in view of Kasperchik. As the Examiner has acknowledged, under 35 U.S.C. § 103(c), subject matter which (1) qualifies as prior art only under subsection (e) of 35 U.S.C. § 102, and (2) was commonly owned with the claimed invention at the time the claimed invention was made cannot preclude patentability of said invention under § 103(a). In the Office Action of March 14, 2007, Kasperchik was cited as prior art against the Applicant's invention, and this reference only qualifies as such under § 102(e). Applicant hereby asserts that the subject matter of Kasperchik was commonly owned with Applicant's invention at the time Applicant's invention was made. Therefore, pursuant to § 103(c), this reference cannot support a rejection under § 103(a) and must be excluded.

As the Examiner has acknowledged, the principal reference, Wexler, fails to teach a UV protection layer including absorbing latex particulates as required by the system of independent claim 13 and the method of independent claim 25. Therefore, these claims and the claims depending upon them are nonobvious over Wexler because this reference fails to teach or suggest each and every element of the claims. Applicant respectfully requests that this rejection be withdrawn.

Claims Objected To

Claims 4-11 and 14-22 were objected to as being dependent upon a rejected base claim, but allowable if rewritten to include all of the limitations of the base claim and any intervening claims. As discussed above, claims 1 and 13, being the base claims from which these depend, are allowable over the cited prior art. As such, Applicant asserts that claims 4-11 and 14-22 are in condition for allowance because they depend from allowable base claims. Further, new claims

32-38 are also believed to be in condition for allowance. Applicant respectfully requests that they be passed to issue.

CONCLUSION

In light of the above, Applicant respectfully submits that all currently pending claims are now in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call W. Bradley Haymond (Registration No. 35,186) at (541) 715-0159 so that such matters may be resolved as expeditiously as possible.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 08-2025.

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Respectfully submitted,



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